

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Friday, February 1, 1963

The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Thursday, January 31, 1963.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Edwards	Johnson (6th)	Roberts
Askew	Fraser	Kelly	Ryan
Barron	Friday	McCarty	Tucker
Blank	Galloway	Mapoles	Whitaker
Boyd	Gautier	Mathews	Williams (27th)
Bronson	Gibson	Melton	Williams (4th)
Clarke	Herrell	Parrish	Young
Connor	Hodges	Pearce	
Covington	Johns	Pope	
Cross	Johnson (19th)	Price	

—37.

A quorum present.

The following Prayer was offered by Senator L. K. Edwards, Jr.:

Give us, O God, the spirit which will enable us to hold passionate convictions and yet exercise dispassionate judgments. Give us more tolerance and less temper. Help us to see both sides of a question, and as we face the complicated issues of our day, fill us with that spirit which will enable us to stand for the right and the truth, without bitterness and without any loss of loving-kindness. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, January 29, 1963, was further corrected as follows:

Page 5, column 2, line 28, counting from the bottom of the column, strike the letters "disripts" and insert in lieu thereof: districts

And as further corrected was approved.

The Senate daily Journal of Thursday, January 31, 1963, was corrected as follows:

Page 9, column 2, between lines 3 and 4, insert the following:

The Senate daily Journal of Wednesday, January 30, 1963, was corrected and as corrected was approved.

Also—

Page 9, column 2, strike line 6 and insert in lieu thereof the following:

By Senators Pearce, Friday and Hodges—

And as corrected was approved.

REPORTS OF COMMITTEE

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Bill:

S. B. No. 10-X(63)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate of the Legislature of the State of Florida; amending Section 10.01, adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

—and recommends that the same pass with committee amendments as attached thereto.

And the Bill contained in the preceding report, together with the committee amendments attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Joint Resolution:

Senate Joint Resolution No. 9-X(63)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF FLORIDA BY ADDING A SECTION TO BE NUMBERED BY THE SECRETARY OF STATE; PROVIDING FOR THE APPORTIONMENT OF THE MEMBERSHIP OF THE SENATE OF THE STATE OF FLORIDA.

—and recommends that the same pass with committee amendment as attached thereto.

And the Joint Resolution contained in the preceding report, together with the committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Bill:

S. B. No. 11-X(63)— A Bill to be entitled An Act apportioning the Senate of the Legislature of the State of Florida; providing for a special election; amending Section 10.01 and creating Section 10.04, Florida Statutes; providing an effective date.

—and recommends that the same not pass.

And the Bill contained in the preceding report was laid on the table.

Senator Hodges requested permission of the Senate to be shown as a co-introducer of Senate Memorial No. 8-X-(63).

Permission was granted.

Senator Johnson (6th) requested unanimous consent of the Senate to take up and consider Senate Bill No. 10-X-(63).

Unanimous consent was granted, and—

S. B. No. 10-X(63)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate of the Legislature of the State of Florida; amending Section 10.01, adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

Was taken up.

Senator Johnson (6th) moved that the rules be waived and Senate Bill No. 10-X(63) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 10-X(63) was read the second time by title only.

The Committee on Apportionment offered the following amendment to Senate Bill No. 10-X(63):

In Section 1, lines 25, 26, 27, 28 and 29 on Page 3, strike the words:

“Forty-third district—Broward

Forty-fourth district—Dade

Forty-fifth district—Duval

Forty-sixth district—Pinellas

Forty-seventh district—Hillsborough”

and insert in lieu thereof the following:

Forty-third district—Dade

Senator Johnson (6th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Apportionment also offered the following amendment to Senate Bill No. 10-X(63):

In Section 1, line 7 of page 2, strike the words and figure: “forty-seven (47)” and insert in lieu thereof the following: forty-three (43)

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Apportionment also offered the following amendment to Senate Bill No. 10-X(63):

In Section 1 (1), pages 1 and 2, strike all of subsection (1) and insert in lieu thereof the following:

The representation in the senate of the Florida legislature shall consist of forty-three (43) members, each representing a district. The counties of the state shall be apportioned into forty-two (42) senatorial districts and one district shall be added by superimposing over district thirteen (13) district forty-three (43) representing Dade County. The forty-three (43) districts shall be apportioned among the several counties of the state to provide equitable representation based upon similar economic interests, geographic area and population. If by this reapportionment the district of a member of the senate whose term of office expires with the general election of November 1964 shall be abolished, or the number of his district relocated outside of his present district, then such member shall continue as a senator for the county of his residence during the remainder of his term and shall have an equal vote with any other senator and the number of his senatorial district shall be indicated by adding the letter X after the number of the district to which he was elected even though it increases the maximum number of members herein provided for; no county except Dade shall be divided in creating a senatorial district. Every district shall consist of contiguous counties.

Senator Johnson (6th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Mathews offered the following amendment to Senate Bill No. 10-X(63):

Strike all after the enacting clause and insert in lieu thereof the following:

Section 1. Section 10.01, Florida Statutes, is amended to read:

10.01 Division of state into senatorial districts; apportionment of senate.—

(1) There shall be thirty-eight (38) senatorial dis-

tricts in the state which shall be each represented in the senate of the state by one senator, except that any senatorial district having a population in excess of five hundred thousand (500,000), according to the latest official federal decennial census shall have a senator for each five hundred thousand (500,000) or major fraction thereof, and be designated by numbers, and the said thirty-eight (38) districts shall be composed each of the counties mentioned and named after the respectively numbered districts as follows to wit:

DISTRICT	COUNTIES
First	Santa Rosa
Second	Escambia
Third	Walton, Holmes, Washington
Fourth	Jackson, Calhoun, Gulf
Fifth	Okaloosa
Sixth	Gadsden, Liberty, Franklin
Seventh	Polk
Eighth	Leon
Ninth	Citrus, Hernando, Sumter
Tenth	Jefferson, Wakulla, Madison, Taylor
Eleventh	Pinellas
Twelfth	St. Lucie, Indian River, Martin
Thirteenth	Dade
Fourteenth	Hamilton, Columbia, Suwannee
Fifteenth	Bradford, Clay, Union
Sixteenth	Nassau, Baker
Seventeenth	Sarasota
Eighteenth	Duval
Nineteenth	Orange
Twentieth	Marion
Twenty-first	Dixie, Lafayette, Levy, Gilchrist
Twenty-second	Seminole
Twenty-third	Lake
Twenty-fourth	Lee, Hendry, Collier, Glades
Twenty-fifth	Bay
Twenty-sixth	Putnam
Twenty-seventh	Hardee, DeSoto, Highlands, Charlotte
Twenty-eighth	Volusia
Twenty-ninth	Monroe
Thirtieth	Broward
Thirty-first	St. Johns, Flagler
Thirty-second	Alachua
Thirty-third	Osceola, Okeechobee
Thirty-fourth	Hillsborough
Thirty-fifth	Palm Beach
Thirty-sixth	Manatee
Thirty-seventh	Brevard
Thirty-eighth	Pasco

Under this reapportionment all senators elected in the

general election of 1960 and 1962 shall continue to serve as senators for the remainder of their respective terms. The senators from the fifth (5th), seventeenth (17th), twenty-ninth (29th) and tenth (10th) senatorial districts, as they existed at the time of the passage of this act, shall be known as the senators for the 5thX, 17thX, 29thX and 10thX districts, respectively. Each of the other thirty-four (34) senators shall represent the new senatorial district in which he resides.

Section 2. Section 10.04, Florida Statutes, is added to read:

10.04 Senate; apportionment.—

(1) The 1963 senate shall consist of forty-three (43) members as follows:

(a) The senator from the tenth (10th) senatorial district as it existed at the time of the passage of this act, who shall be known as the senator from the 10thX senatorial district.

(b) The senators from the fifth (5th), seventeenth (17th) and twenty-ninth (29th) senatorial districts, as they existed at the time of the passage of this act, who shall be known respectively as the senators from the 5thX, 17thX and 29thX senatorial districts.

(c) The other thirty-four (34) senators elected in the general election of 1960 and 1962 each of whom shall represent the district in which he resides.

(d) Five (5) new senators to be elected from the new fifth (5th), twenty-second (22nd), twenty-ninth (29th) and thirty-eighth (38th) senatorial districts and an additional senator for the thirteenth (13th) senatorial district at a special election to be held in the affected counties or districts as provided by law. Such election shall be held within sixty (60) days from the effective date hereof. The senators elected from the new even numbered districts shall be elected for a term ending with the general election of 1966; and the senators elected from the new odd numbered districts shall be elected for a term ending with the general election of 1964; thereafter all senators shall be elected for four (4) year terms.

(2) The 1965 senate shall consist of forty (40) senators who shall be the senators representing the thirty-eight (38) senatorial districts as set forth above, plus the senator from the 10thX senatorial district who was elected in the 1962 general election.

(3) The 1967 senate and each succeeding senate shall consist of thirty-nine (39) senators representing the thirty-nine (39) senatorial districts as set forth above.

Section 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect immediately upon becoming a law.

Senator Mathews moved the adoption of the amendment.

Pending consideration of the foregoing amendment offered by Senator Mathews to Senate Bill No. 10-X(63), Senator Pope offered the following amendment to the amendment offered by Senator Mathews:

In Section 1, lines 8 and 9, page 1, strike the words and figure: "five hundred thousand (500,000)" and insert in lieu thereof the following: two hundred fifty thousand (250,000)

Senator Pope moved the adoption of the amendment to the amendment.

A roll call was demanded and upon call of the roll the vote was:

Yeas—13.

Blank	Kelly	Pope	Young
Boyd	McCarty	Price	
Gautier	Mathews	Ryan	
Johnson (19th)	Parrish	Whitaker	

Nays—24.

Mr. President	Covington	Gibson	Melton
Askeu	Cross	Herrell	Pearce
Barron	Edwards	Hodges	Roberts
Bronson	Fraser	Johns	Tucker
Clarke	Friday	Johnson (6th)	Williams (27th)
Connor	Galloway	Mapoles	Williams (4th)

So the amendment to the amendment failed of adoption.

The question recurred on the adoption of the foregoing amendment offered by Senator Mathews to Senate Bill No. 10-X(63) and upon call of the roll the vote was:

Yeas—17.

Askeu	Friday	Mathews	Whitaker
Barron	Gautier	Parrish	Young
Blank	Johnson (19th)	Pope	
Boyd	Kelly	Price	
Cross	McCarty	Ryan	

Nays—20.

Mr. President	Edwards	Hodges	Pearce
Bronson	Fraser	Johns	Roberts
Clarke	Galloway	Johnson (6th)	Tucker
Connor	Gibson	Mapoles	Williams (27th)
Covington	Herrell	Melton	Williams (4th)

So the amendment failed of adoption.

Senator Johnson (6th) moved that the rules be further waived and Senate Bill No. 10-X(63), as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 10-X(63), as amended, was read the third time in full.

Upon the passage of Senate Bill No. 10-X(63), as amended, the roll was called and the vote was:

Yeas—22.

Mr. President	Cross	Hodges	Roberts
Barron	Fraser	Johns	Tucker
Bronson	Friday	Johnson (6th)	Williams (27th)
Clarke	Galloway	Mapoles	Williams (4th)
Connor	Gibson	Melton	
Covington	Herrell	Pearce	

Nays—15.

Askeu	Gautier	Mathews	Ryan
Blank	Johnson (19th)	Parrish	Whitaker
Boyd	Kelly	Pope	Young
Edwards	McCarty	Price	

So Senate Bill No. 10-X(63) passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Johnson (6th) requested unanimous consent of the Senate to take up and consider Senate Joint Resolution No. 9-X(63).

Unanimous consent was granted, and—

Senate Joint Resolution No. 9-X(63)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF FLORIDA BY ADDING A SECTION TO BE NUMBERED BY THE SECRETARY OF STATE; PROVIDING FOR THE APPORTIONMENT OF THE MEMBERSHIP OF THE SENATE OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That an amendment to article VII of the constitution of Florida, by adding thereto a section to be assigned a number by the secretary of state, is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November, 1964:

Section . **Senate apportionment.**—The legislature shall divide the state into forty-seven (47) senatorial districts with one (1) senator elected in each district. The counties of the state shall be apportioned into forty-two (42) senatorial districts and five (5) other districts shall be added by superimposing over district 30, district 43, representing Broward county; by superimposing over district 13, district 44, representing Dade county; by superimposing over district 18, district 45, representing Duval county; by superimposing over district 11, district 46, representing Pinellas county; and by superimposing over district 34, district 47, representing Hillsborough county. The forty-seven (47) districts shall be apportioned among the several counties of the state to provide equitable representation based upon similar economic interests, geographic area and population.

The legislature that shall meet in regular session in 1971 and those that shall meet every ten (10) years thereafter shall reapportion the representation in the senate in accordance with the provisions of this section.

Was taken up.

Senator Johnson (6th) moved that the rules be waived and Senate Joint Resolution No. 9-X(63) be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 9-X(63) was read the second time in full.

The Committee on Apportionment offered the following amendment to Senate Joint Resolution No. 9-X(63):

In unnumbered section, page 1, strike the first paragraph and insert in lieu thereof the following:

Section— . **Senate apportionment.**—The legislature shall divide the state into forty-three (43) senatorial districts with one (1) senator elected in each district. The counties of the state shall be apportioned into forty-two (42) senatorial districts and one (1) district shall be added by superimposing over district thirteen (13) district forty-three (43) representing Dade County. The forty-three (43) districts shall be apportioned among the several counties of the state to provide equitable representation based upon similar economic interests, geographic area and population; provided, however, no county except Dade County shall be divided in creating a senatorial district

Senator Johnson (6th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Pending further consideration of Senate Joint Resolution No. 9-X(63), as amended, Senator Johnson (6th) moved that the further consideration thereof be temporarily deferred, the Joint Resolution retaining its place on Second Reading.

Which was agreed to and it was so ordered.

Senator Hodges moved that when the Senate adjourns at this Session, it recess to reconvene at 2:00 o'clock P. M., this day.

Which was agreed to and it was so ordered.

Senator Hodges moved that the Senate adjourn.

Which was agreed to.

And the Senate recessed at 11:25 o'clock A. M., until 2:00 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 2:00 o'clock P. M., pursuant to recess order.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Edwards	Johnson (6th)	Roberts
Askew	Fraser	Kelly	Ryan
Barron	Friday	McCarty	Stratton
Blank	Galloway	Mapoles	Tucker
Boyd	Gautier	Mathews	Whitaker
Bronson	Gibson	Melton	Williams (27th)
Clarke	Herrell	Parrish	Williams (4th)
Connor	Hodges	Pearce	Young
Covington	Johns	Pope	
Cross	Johnson (19th)	Price	

—38.

A quorum present.

REPORT OF COMMITTEE

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Memorial:

Senate Memorial No. 8-X(63)—

A MEMORIAL TO THE FEDERAL DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, REQUESTING THE WITHHOLDING OF ANY JUDGMENT RELATING TO THE REAPPORTIONMENT OF THE LEGISLATURE OF THE STATE OF FLORIDA UNTIL AFTER THE 1963 REGULAR SESSION OF THE LEGISLATURE IN ORDER TO PERMIT THE LEGISLATURE SUFFICIENT TIME TO MAKE THE NECESSARY PREPARATION FOR THE EFFICIENT HOUSING, RENOVATION AND ENLARGEMENT OF THE CAPITOL REQUIRED BY REAPPORTIONMENT.

—and recommends that the same be adopted.

And the Memorial contained in the preceding report was placed on the Calendar.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred, with Senate amendments, for engrossing—

S. B. No. 10-X(63)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate of the Legislature of the State of Florida; amending Section 10.01, adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

—begs leave to report that the amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

ROBT. W. DAVIS
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate

And Senate Bill No. 10-X(63), contained in the above report, was ordered certified to the House of Representatives immediately.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was received and read:

Tallahassee, Florida
February 1, 1963

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of all members elected to the House of Representatives for the 1963 Extraordinary Session of the Florida Legislature—

By Messrs. Turlington of Alachua, Chappell of Marion, Fagan of Alachua and Horne of Leon—

H. J. R. No. 5-X(63)—A Joint Resolution proposing an amendment of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection, at the general election of 1964.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. Composition of the legislature.—The legislature of the State of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit prescribed in the following sections of this article until the next reapportionment and the county shall be assigned when created to a senatorial district as determined by the legislature.

Section 2. Senate apportionment.—The legislature shall divide the state into forty-two (42) senatorial districts, each of which shall be represented in the senate by one (1) member. The districts shall be apportioned among the several counties of the state so as to provide equitable representation based upon similar economic interests, geographic area and population. No county shall be divided in creating a district and no district may have more than one senator.

Section 3. Representation in the House of Representatives.—Representation in the house of representatives shall consist of one hundred twelve (112) representatives which shall be apportioned among the counties by the method of equal proportions; that is, each county shall have one representative and the remaining representatives shall be assigned to the counties in proportion to population. The populations of the respective counties for the purposes of this section shall be confined to citizens of the United States and shall not include foreign born persons who have not become naturalized.

Section 4. The legislature shall reapportion the representation of the house and senate at the 1971 regular session of the legislature and every ten (10) years there-

after based upon the preceding latest federal decennial census.

Section 5. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

And House Joint Resolution No. 5-X(63), contained in the above message, was read the first time in full and referred to the Committee on Apportionment.

Senator Hodges moved that the Senate proceed to the consideration of Executive Business.

Which was agreed to.

And the Senate went into Executive Session at 2:12 o'clock P. M.

The Senate emerged from Executive Session at 2:23 o'clock P. M., and resumed its Session.

The roll was called and the following Senators answered to their names:

Mr. President	Edwards	Johnson (6th)	Roberts
Askew	Fraser	Kelly	Ryan
Barron	Friday	McCarty	Stratton
Blank	Galloway	Mapoles	Tucker
Boyd	Gautier	Mathews	Whitaker
Bronson	Gibson	Melton	Williams (27th)
Clarke	Herrell	Parrish	Williams (4th)
Connor	Hodges	Pearce	Young
Covington	Johns	Pope	
Cross	Johnson (19th)	Price	

—38.

A quorum present.

Senator Hodges moved that the Senate stand in recess subject to the call of the President.

Which was agreed to.

Thereupon the Senate stood in recess at 2:25 o'clock P. M.

The Senate was called to order by the President at 3:51 o'clock P. M., and upon call of the roll the following Senators answered to their names:

Mr. President	Edwards	Johnson (6th)	Roberts
Askew	Fraser	Kelly	Ryan
Barron	Friday	McCarty	Stratton
Blank	Galloway	Mapoles	Tucker
Boyd	Gautier	Mathews	Whitaker
Bronson	Gibson	Melton	Williams (27th)
Clarke	Herrell	Parrish	Williams (4th)
Connor	Hodges	Pearce	Young
Covington	Johns	Pope	
Cross	Johnson (19th)	Price	

—38.

A quorum present.

Senator Cross moved that the Senate stand in further recess subject to the call of the President.

Which was agreed to.

Thereupon the Senate stood in recess at 3:54 o'clock P. M.

The Senate was called to order by the President at 4:05 o'clock P. M., and upon call of the roll the following Senators answered to their names:

Mr. President	Edwards	Johnson (6th)	Roberts
Askew	Fraser	Kelly	Ryan
Barron	Friday	McCarty	Stratton
Blank	Galloway	Mapoles	Tucker
Boyd	Gautier	Mathews	Whitaker
Bronson	Gibson	Melton	Williams (27th)
Clarke	Herrell	Parrish	Williams (4th)
Connor	Hodges	Pearce	Young
Covington	Johns	Pope	
Cross	Johnson (19th)	Price	

—38.

A quorum present.

Senator Hodges presiding.

By leave of the Senate the following Report of Committee was received and read:

REPORT OF COMMITTEE

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Joint Resolution:

H. J. R. No. 5-X(63)—A Joint Resolution proposing an amendment of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

—and recommends that the same pass with committee amendment as attached thereto.

And the Joint Resolution contained in the preceding report, together with the committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Johnson (6th) requested unanimous consent of the Senate to take up and consider House Joint Resolution No. 5-X(63).

Unanimous consent was granted, and—

H. J. R. No. 5-X(63)—A Joint Resolution proposing an amendment of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection, at the general election of 1964.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. Composition of the legislature.—The legislature of the State of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit prescribed in the following sections of this article until the next reapportionment and the county shall be assigned when created to a senatorial district as determined by the legislature.

Section 2. Senate apportionment.—The legislature shall divide the state into forty-two (42) senatorial districts, each of which shall be represented in the senate by one (1) member. The districts shall be apportioned among the several counties of the state so as to provide equitable

representation based upon similar economic interests, geographic area and population. No county shall be divided in creating a district and no district may have more than one senator.

Section 3. Representation in the House of Representatives.—Representation in the house of representatives shall consist of one hundred twelve (112) representatives which shall be apportioned among the counties by the method of equal proportions; that is, each county shall have one representative and the remaining representatives shall be assigned to the counties in proportion to population. The populations of the respective counties for the purposes of this section shall be confined to citizens of the United States and shall not include foreign born persons who have not become naturalized.

Section 4. The legislature shall reapportion the representation of the house and senate at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

Section 5. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

Was taken up.

Senator Johnson (6th) moved that the rules be waived and House Joint Resolution No. 5-X(63) be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Joint Resolution No. 5-X(63) was read the second time in full.

The Committee on Apportionment offered the following amendment to House Joint Resolution No. 5-X(63):

In Section 2, pages 1 and 2, strike all of Section 2 and insert in lieu thereof the following:

Section 2. Senate apportionment. — The legislature shall divide the state into forty-two (42) senatorial districts with only one (1) senator elected in each district; except there shall be two (2) senators elected from the Thirteenth (13th) district, the additional senator being assigned the number forty-three (43). The forty-two (42) districts shall be apportioned among the several counties of the state so as to provide equitable representation based upon similar economic interests, geographic area and population. Every district shall consist of contiguous counties, and no county may be divided in creating a senatorial district except Dade County.

Senator Johnson (6th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Johnson (6th) moved that the rules be waived and House Joint Resolution No. 5-X(63), as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Joint Resolution No. 5-X(63), as amended, was read the third time in full, as follows:

H. J. R. No. 5-X(63)—A Joint Resolution proposing an amendment of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection, at the general election of 1964.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. **Composition of the legislature.**—The legislature of the State of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit prescribed in the following sections of this article until the next reapportionment and the county shall be assigned when created to a senatorial district as determined by the legislature.

Section 2. **Senate apportionment.** — The legislature shall divide the state into forty-two (42) senatorial districts with only one (1) senator elected in each district; except there shall be two (2) senators elected from the Thirteenth (13th) district, the additional senator being assigned the number forty-three (43). The forty-two (42) districts shall be apportioned among the several counties of the state so as to provide equitable representation based upon similar economic interests, geographic area and population. Every district shall consist of contiguous counties, and no county may be divided in creating a senatorial district except Dade County.

Section 3. **Representation in the House of Representatives.**—Representation in the house of representatives shall consist of one hundred twelve (112) representatives which shall be apportioned among the counties by the method of equal proportions; that is, each county shall have one representative and the remaining representatives shall be assigned to the counties in proportion to population. The populations of the respective counties for the purposes of this section shall be confined to citizens of the United States and shall not include foreign born persons who have not become naturalized.

Section 4. The legislature shall reapportion the representation of the house and senate at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

Section 5. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

Upon the passage of House Joint Resolution No. 5-X(63), as amended, the roll was called and the vote was:

Yeas—23.

Mr. President	Edwards	Hodges	Roberts
Bronson	Fraser	Johns	Stratton
Clarke	Friday	Johnson (6th)	Tucker
Connor	Galloway	Mapoles	Williams (27th)
Covington	Gibson	Melton	Williams (4th)
Cross	Herrell	Pearce	

Nays—15.

Askew	Gautier	Mathews	Ryan
Barron	Johnson (19th)	Parrish	Whitaker
Blank	Kelly	Pope	Young
Boyd	McCarty	Price	

So House Joint Resolution No. 5-X(63) passed, as amended, by the required Constitutional three-fifths vote of all members elected to the Senate for the 1963 Extraordinary Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately.

EXPLANATION OF VOTE

The following Explanation of Vote was filed with the Secretary of the Senate:

I think the House plan of this Resolution is a good one and I could, without hesitation, support it. I cannot however, accept the Senate composition because I do not believe it represents fair reapportionment and I cannot subscribe to it. For this reason I cast a negative vote.

REUBIN O'D. ASKEW
Senator, 2nd District

Senator Carraway moved that the Senate stand in recess subject to the call of the President.

Which was agreed to.

Thereupon the Senate stood in recess at 4:30 o'clock P. M.

The Senate was called to order by the President at 4:47 o'clock P. M., and upon call of the roll the following Senators answered to their names:

Mr. President	Edwards	Johnson (6th)	Roberts
Askew	Fraser	Kelly	Ryan
Barron	Friday	McCarty	Stratton
Blank	Galloway	Mapoles	Tucker
Boyd	Gautier	Mathews	Whitaker
Bronson	Gibson	Melton	Williams (27th)
Clarke	Herrell	Parrish	Williams (4th)
Connor	Hodges	Pearce	Young
Covington	Johns	Pope	
Cross	Johnson (19th)	Price	

—38.

A quorum present.

Senator Hodges moved that the rules be waived and the hour of adjournment of this Session be extended to 12:00 o'clock, Midnight.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Whitaker moved that the Senate revert to the Introduction of Resolutions, Memorials, Bills and Joint Resolutions.

Which was agreed to by a two-thirds vote and it was so ordered.

INTRODUCTION OF RESOLUTIONS, MEMORIALS,
BILLS AND JOINT RESOLUTIONS

The President submitted to the Senate the question of whether or not the following Memorial should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senators Whitaker, Stratton, Carraway, Friday, Edwards, Pearce, Williams (4th), Fraser, Melton, Clarke, Tucker, Mapoles, Boyd, Williams (27th), Connor, Galloway, Pope, Hodges, Johnson (6th), Covington, Gibson, Johns, Roberts, Bronson, Parrish, Askew and Price—

Senate Memorial No. 12-X(63)—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES CREATING A COURT OF THE UNION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That this Legislature respectfully petitions the Congress of the United States to call a convention for the

purpose of proposing the following article as an amendment to the Constitution of the United States.

ARTICLE ———

Section 1. Upon demand of the legislatures of five states, no two of which shall share any common boundary, made within two years after the rendition of any judgment of the Supreme Court relating to the rights reserved to the states or to the people by this Constitution, such judgment shall be reviewed by a court composed of the chief justices of the highest courts of the several states to be known as the Court of the Union. The sole issue before the Court of the Union shall be whether the power or jurisdiction sought to be exercised on the part of the United States is a power granted to it under this Constitution.

Section 2. Three-fourths of the justices of the Court of the Union shall constitute a quorum, but it shall require concurrence of a majority of the entire Court to reverse a decision of the Supreme Court. In event of incapacity of the chief justice of the highest court of any state to sit upon the Court of the Union, his place shall be filled by another justice of such state court selected by affirmative vote of a majority of its membership.

Section 3. On the first Monday of the third calendar month following the ratification of this amendment, the chief justices of the highest courts of the several states shall convene at the national capital, at which time the Court of the Union shall be organized and shall adopt rules governing its procedure.

Section 4. Decisions of the Court of the Union upon matters within its jurisdiction shall be final and shall not thereafter be overruled by any court and may be changed only by an amendment of this Constitution.

Section 5. The Congress shall make provisions for the housing of the Court of the Union and the expenses of its operation.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission.

BE IT FURTHER RESOLVED that if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

BE IT FURTHER RESOLVED that a duly attested copy of this memorial be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

By a two-thirds affirmative vote of the Senate the Memorial was admitted for consideration by the Senate, and was read the first time in full.

Senator Whitaker moved that the rules be waived and Senate Memorial No. 12-X(63) be placed on the Calendar, without reference.

Which was agreed to by a two-thirds vote and Senate Memorial No. 12-X(63) was ordered placed on the Calendar, without reference.

Senator Hodges presiding.

The Presiding Officer submitted to the Senate the question of whether or not the follow Memorial should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session:

By Senators Whitaker, Stratton, Carraway, Friday, Edwards, Pearce, Melton, Fraser, Williams (4th), Clarke, Mapoles, Boyd, Blank, Williams (27th), Connor, Galloway, Pope, Tucker, Hodges, Johnson (6th), Cross, Covington, Ryan, Johnson (19th), Askew, Gibson, Johns, Roberts, Bronson, Parrish, Price, Mathews and McCarty—

Senate Memorial No. 13-X(63)—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES RELATING TO METHOD OF AMENDING THE FEDERAL CONSTITUTION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing as an added amendment to Article V of the Constitution of the United States the following to read:

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, or, on the application of the Legislatures of two-thirds of the several states, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several states. Whenever applications from the Legislatures of two-thirds of the total number of states of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall so certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. No state, without its consent, shall be deprived of its equal suffrage in the Senate.

BE IT FURTHER RESOLVED that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission.

BE IT FURTHER RESOLVED that if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

BE IT FURTHER RESOLVED that a duly attested copy of this memorial be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

By a two-thirds affirmative vote of the Senate the Memorial was admitted for consideration by the Senate, and was read the first time in full.

Senator Whitaker moved that the rules be waived and Senate Memorial No. 13-X(63) be placed on the Calendar, without reference.

Which was agreed to by a two-thirds vote and Senate Memorial No. 13-X(63) was ordered placed on the Calendar, without reference.

Senator Cross moved that the Senate stand in recess subject to the call of the President.

Which was agreed to.

Thereupon the Senate stood in recess at 5:01 o'clock P. M.

The Senate was called to order by the President at 6:09 o'clock P. M., and upon call of the roll the following Senators answered to their names:

Mr. President	Edwards	Johnson (6th)	Roberts
Askew	Fraser	Kelly	Ryan
Barron	Friday	McCarty	Stratton
Blank	Galloway	Mapoles	Tucker
Boyd	Gautier	Mathews	Whitaker
Bronson	Gibson	Melton	Williams (27th)
Clarke	Herrell	Parrish	Williams (4th)
Connor	Hodges	Pearce	Young
Covington	Johns	Pope	
Cross	Johnson (19th)	Price	

—38.

A quorum present.

Senator Hodges moved that the Senate revert to the consideration of messages from the House of Representatives.

Which was agreed to by a two-thirds vote and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages from the House of Representatives were received and read:

Tallahassee, Florida
February 1, 1963

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in and adopted the Senate Amendment as amended by the House of Representatives to—

By Messrs. Turlington of Alachua, Chappell of Marion, Fagan of Alachua and Horne of Leon—

H. J. R No. 5-X (63)—A Joint Resolution proposing an amendment of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection, at the general election of 1964.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. Composition of the legislature.—The legislature of the State of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit prescribed in the following sections of this article until the next reapportionment and the county shall be assigned when created to a senatorial district as determined by the legislature.

Section 2. Senate apportionment.—The legislature shall divide the state into forty-two (42) senatorial districts, each of which shall be represented in the senate by one (1) member. The districts shall be apportioned among

the several counties of the state so as to provide equitable representation based upon similar economic interests, geographic area and population. No county shall be divided in creating a district and no district may have more than one senator.

Section 3. Representation in the House of Representatives.—Representation in the house of representatives shall consist of one hundred twelve (112) representatives which shall be apportioned among the counties by the method of equal proportions; that is, each county shall have one representative and the remaining representatives shall be assigned to the counties in proportion to population. The populations of the respective counties for the purposes of this section shall be confined to citizens of the United States and shall not include foreign born persons who have not become naturalized.

Section 4. The legislature shall reapportion the representation of the house and senate at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

Section 5. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

Which Senate Amendment reads as follows—

In Section 2, pages 1 and 2, strike all of Section 2 and insert in lieu thereof the following:

Section 2. Senate apportionment.—The legislature shall divide the state into forty-two (42) senatorial districts with only one (1) senator elected in each district; except there shall be two (2) senators elected from the Thirteenth (13th) district, the additional senator being assigned the number forty-three (43). The forty-two (42) districts shall be apportioned among the several counties of the state so as to provide equitable representation based upon similar economic interests, geographic area and population. Every district shall consist of contiguous counties, and no county may be divided in creating a senatorial district except Dade County.

And House Amendment to Senate Amendment reads as follows—

In Section 2, strike out: the Thirteenth (13th) district, and insert the following in lieu thereof: the most populous county,

—and the House of Representatives has passed, as amended, by the required Constitutional three-fifths vote of all Members elected to the House of Representatives for the 1963 Extraordinary Session of the Florida Legislature and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE

Chief Clerk, House of Representatives

And House Joint Resolution No. 5-X(63), contained in the above message, was read together with the House Amendment to the Senate Amendment thereto.

Senator Herrell moved that the Senate concur in the House Amendment to the Senate Amendment to House Joint Resolution No. 5-X(63).

Which was agreed to and the Senate concurred in the House Amendment to the Senate Amendment to House Joint Resolution No. 5-X(63).

The question was put on the adoption of the Senate Amendment as amended by the House Amendment to House Joint Resolution No. 5-X(63).

Which was agreed to, and the Senate Amendment as

amended by the House Amendment to House Joint Resolution No. 5-X(63) was adopted.

Senator Herrell moved that House Joint Resolution No. 5-X(63), as further amended, be read in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Joint Resolution No. 5-X(63), as further amended, was read in full as follows:

H. J. R. No. 5-X(63)—A Joint Resolution proposing an amendment of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection, at the general election of 1964.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. Composition of the legislature.—The legislature of the State of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit prescribed in the following sections of this article until the next reapportionment and the county shall be assigned when created to a senatorial district as determined by the legislature.

Section 2. Senate apportionment.—The legislature shall divide the state into forty-two (42) senatorial districts with only one (1) senator elected in each district; except there shall be two (2) senators elected from the most populous county, the additional senator being assigned the number forty-three (43). The forty-two (42) districts shall be apportioned among the several counties of the state so as to provide equitable representation based upon similar economic interests, geographic area and population. Every district shall consist of contiguous counties, and no county may be divided in creating a senatorial district except Dade County.

Section 3. Representation in the House of Representatives.—Representation in the house of representatives shall consist of one hundred twelve (112) representatives which shall be apportioned among the counties by the method of equal proportions; that is, each county shall have one representative and the remaining representatives shall be assigned to the counties in proportion to population. The populations of the respective counties for the purposes of this section shall be confined to citizens of the United States and shall not include foreign born persons who have not become naturalized.

Section 4. The legislature shall reapportion the representation of the house and senate at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

Section 5. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

Upon the passage of House Joint Resolution No. 5-X(63), as further amended, the roll was called and the vote was:

Yeas—23.

Mr. President	Edwards	Hodges	Roberts
Bronson	Fraser	Johns	Stratton
Clarke	Friday	Johnson (6th)	Tucker
Connor	Galloway	Mapoles	Williams (27th)
Covington	Gibson	Melton	Williams (4th)
Cross	Herrell	Pearce	

Nays—15.

Askew	Gautier	Mathews	Ryan
Barron	Johnson (19th)	Parrish	Whitaker
Blank	Kelly	Pope	Young
Boyd	McCarty	Price	

So House Joint Resolution No. 5-X(63) passed, as further amended, by the required Constitutional three-fifths vote of all members elected to the Senate for the 1963 Extraordinary Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately.

Tallahassee, Florida
February 1, 1963

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendments—

By Senator Herrell—

S. B. No. 10-X(63)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate of the Legislature of the State of Florida; amending Section 10.01, adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

Which amendments read as follows:

Amendment No. 1—

Following the words "Section 2." strike out: the remainder of the bill and insert the following in lieu thereof:

Section 10.03, Florida Statutes, is amended to read:

10.03 Representation in the House of Representatives.—

(1) Representation in the house of representatives shall consist of one hundred twelve (112) representatives which shall be apportioned among the counties by the method of equal proportions; that is, each county shall have one representative and the remaining representatives shall be assigned to the counties in proportion to population.

(2) Pursuant to subsection (1) of this section, there shall be one hundred twelve (112) members of the house of representatives apportioned among the several counties as follows:

County	Number of Representatives
Dade	14
Duval	7
Hillsborough	6
Pinellas	6
Broward	5

County	Number of Representatives	County	Number of Representatives
Orange	4	Hendry	1
Palm Beach	4	Hamilton	1
Polk	3	Calhoun	1
Escambia	3	Baker	1
Volusia	2	Franklin	1
Brevard	2	Okeechobee	1
Sarasota	1	Union	1
Leon	1	Wakulla	1
Alachua	1	Flagler	1
Manatee	1	Dixie	1
Bay	1	Liberty	1
Okaloosa	1	Glades	1
Lake	1	Lafayette	1
Seminole	1	Gilchrist	1
Lee	1		
Marion	1		
Monroe	1		
Gadsden	1		
St. Lucie	1		
Pasco	1		
Jackson	1		
Putnam	1		
St. Johns	1		
Santa Rosa	1		
Indian River	1		
Highlands	1		
Columbia	1		
Clay	1		
Osceola	1		
Nassau	1		
Martin	1		
Collier	1		
Walton	1		
Suwannee	1		
Madison	1		
Taylor	1		
Charlotte	1		
Bradford	1		
Hardee	1		
Sumter	1		
DeSoto	1		
Washington	1		
Hernando	1		
Holmes	1		
Levy	1		
Gulf	1		
Jefferson	1		
Citrus	1		

Section 3. Section 10.04, Florida Statutes, is added to read:

10.04 Legislative apportionment.—

(1) The 1963 legislature shall be composed of the legislators elected pursuant to the constitution of 1885, as amended, and of the additional legislators as provided for in sections 10.01 and 10.03, Florida Statutes, as amended at this special session of the legislature. Any representative or senator elected in the 1962 general election pursuant to the constitution of 1885, as amended, shall serve in said office for the term for which he was elected. The terms of office of members of the senate shall be for four (4) years and the terms of office of members of the house of representatives shall be for two (2) years. Any senator now serving shall complete his term to which he was elected; provided that the resignation or death of any legislator elected at or prior to the 1962 general election shall create a vacancy. The additional legislative offices herein created shall be filled by and at a special election to be held in the affected counties or districts, as provided by law; provided, however, the registration books for the elections provided herein shall close at 5 p. m. on the fifteenth day before the first primary election and remain closed for the remaining second primary and general election. The senators elected from the new even-numbered districts shall be elected for a term ending with the general election of 1966 and the senators elected from the new odd-numbered districts shall be elected for a term ending with the general election of 1964; thereafter all senators shall be elected for four (4) year terms.

(2) The legislature shall hereafter reapportion its representation in the state senate at such times as may be required by the constitution of Florida.

Section 4. It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 5. This act shall take effect immediately upon becoming a law.

Amendment No. 2—

In Section 1, page 3, strike out: "Thirty-ninth district—Charlotte county and Highlands county Fortieth district—Okaloosa county" and insert the following in lieu thereof:

Thirty-ninth district—Okaloosa county

Fortieth district—Charlotte county and Highlands county

Amendment No. 3—

In Title strike out: entire title and insert the following in lieu thereof:

AN ACT PROVIDING FOR THE APPORTIONMENT OF THE MEMBERSHIP OF THE LEGISLATURE OF THE STATE OF FLORIDA; AMENDING SECTIONS 10.01, 10.03 AND ADDING SECTION 10.04, FLORIDA STATUTES; PROVIDING FOR AN ELECTION; PROVIDING FOR FILLING VACANCIES; PROVIDING EFFECTIVE DATE.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE

Chief Clerk, House of Representatives

And Senate Bill No. 10-X(63), contained in the above message, was read by title, together with House Amendments thereto.

Senator Johnson (6th) moved that the Senate concur in House Amendment No. 1 to Senate Bill No. 10-X(63).

Pending consideration of the motion made by Senator Johnson (6th), Senator Pope offered the following Amendment to House Amendment No. 1, as contained in the foregoing message:

After Section four insert a new section (5) and renumber to read as follows:

In the event House Joint Resolution 5-X(63) is not approved at the next general election the provisions of this Act shall as of that date be null and void, and any positions created hereunder shall terminate and cease to exist.

Senator Pope moved the adoption of the Amendment to House Amendment No. 1 to Senate Bill No. 10-X(63).

A roll call was demanded and upon call of the roll the vote was:

Yeas—13.

Askew	Kelly	Pope	Young
Blank	McCarty	Price	
Boyd	Mathews	Ryan	
Johnson (19th)	Parrish	Whitaker	

Nays—25.

Mr. President	Edwards	Hodges	Stratton
Barron	Fraser	Johns	Tucker
Bronson	Friday	Johnson (6th)	Williams (27th)
Clarke	Galloway	Mapoles	Williams (4th)
Connor	Gautier	Melton	
Covington	Gibson	Pearce	
Cross	Herrell	Roberts	

So the Amendment to House Amendment No. 1 to Senate Bill No. 10-X(63) failed of adoption.

The question recurred on the motion made by Senator Johnson (6th) that the Senate concur in House Amendment No. 1 to Senate Bill No. 10-X(63).

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 10-X(63).

Senator Johnson (6th) moved that the Senate concur in House Amendment No. 2 to Senate Bill No. 10-X(63).

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 10-X(63).

Senator Johnson (6th) moved that the Senate concur in House Amendment No. 3 to Senate Bill No. 10-X(63).

Which was agreed to and the Senate concurred in House Amendment No. 3 to Senate Bill No. 10-X(63).

And Senate Bill No. 10-X(63), as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Whitaker requested unanimous consent of the Senate to take up and consider Senate Memorial No. 12-X(63).

Unanimous consent was granted, and—

Senate Memorial No. 12-X(63)—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES CREATING A COURT OF THE UNION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

ARTICLE

Section 1. Upon demand of the legislatures of five states, no two of which shall share any common boundary, made within two years after the rendition of any judgment of the Supreme Court relating to the rights reserved to the states or to the people by this Constitution, such judgment shall be reviewed by a court composed of the chief justices of the highest courts of the several states to be known as the Court of the Union. The sole issue before the Court of the Union shall be whether the power or jurisdiction sought to be exercised on the part of the United States is a power granted to it under this Constitution.

Section 2. Three-fourths of the justices of the Court of the Union shall constitute a quorum, but it shall require concurrence of a majority of the entire Court to reverse a decision of the Supreme Court. In event of incapacity of the chief justice of the highest court of any state to sit upon the Court of the Union, his place shall be filled by another justice of such state court selected by affirmative vote of a majority of its membership.

Section 3. On the first Monday of the third calendar month following the ratification of this amendment, the chief justices of the highest courts of the several states shall convene at the national capital, at which time the Court of the Union shall be organized and shall adopt rules governing its procedure.

Section 4. Decisions of the Court of the Union upon matters within its jurisdiction shall be final and shall not thereafter be overruled by any court and may be changed only by an amendment of this Constitution.

Section 5. The Congress shall make provisions for the housing of the Court of the Union and the expenses of its operation.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission.

BE IT FURTHER RESOLVED that if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to January 1,

1965, this application for a convention shall no longer be of any force or effect.

BE IT FURTHER RESOLVED that a duly attested copy of this memorial be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Was taken up.

Senator Whitaker moved that the rules be waived and Senate Memorial No. 12-X(63) be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Memorial No. 12-X(63) was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to, and Senate Memorial No. 12-X(63) was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Whitaker requested unanimous consent of the Senate to take up and consider Senate Memorial No. 13-X(63).

Unanimous consent was granted, and—

Senate Memorial No. 13-X(63)—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES RELATING TO METHOD OF AMENDING THE FEDERAL CONSTITUTION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing as an added amendment to Article V of the Constitution of the United States the following to read:

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, or, on the application of the Legislatures of two-thirds of the several states, shall propose amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several states. Whenever applications from the Legislatures of two-thirds of the total number of states of the United States shall contain identical texts of an amendment to be proposed, the President of the Senate and the Speaker of the House of Representatives shall so certify, and the amendment as contained in the application shall be deemed to have been proposed, without further action by Congress. No state, without its consent, shall be deprived of its equal suffrage in the Senate.

BE IT FURTHER RESOLVED that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission.

BE IT FURTHER RESOLVED that if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

BE IT FURTHER RESOLVED that a duly attested

copy of this memorial be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Was taken up.

Senator Whitaker moved that the rules be waived and Senate Memorial No. 13-X(63) be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Memorial No. 13-X(63) was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to, and Senate Memorial No. 13-X(63) was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Hodges moved that the Senate revert to the Introduction of Resolutions, Memorials, Bills and Joint Resolutions.

Which was agreed to by a two-thirds vote and it was so ordered.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Hodges—

Senate Concurrent Resolution No. 14-X(63)—

A CONCURRENT RESOLUTION PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE EXTRAORDINARY SESSION OF THE FLORIDA LEGISLATURE CONVENED JANUARY 29, 1963.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. This extraordinary session of the Florida legislature convened on January 29, 1963, shall adjourn sine die at 7:50 p. m., February 1, 1963.

Which was read the first time in full.

Senator Hodges moved that the rules be waived and Senate Concurrent Resolution No. 14-X(63) be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 14-X(63) was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to, and Senate Concurrent Resolution No. 14-X(63) was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Hodges moved that the Senate stand in recess subject to the call of the President.

Which was agreed to.

Thereupon the Senate stood in recess at 6:30 o'clock P. M.

The Senate was called to order by the President at 6:45 o'clock P. M., and upon call of the roll the following Senators answered to their names:

Mr. President	Bronson	Edwards	Gibson
Askew	Clarke	Fraser	Herrell
Barron	Connor	Friday	Hodges
Blank	Covington	Galloway	Johns
Boyd	Cross	Gautier	Johnson (19th)

Johnson (6th)	Melton	Roberts	Williams (27th)
Kelly	Parrish	Ryan	Williams (4th)
McCarty	Pearce	Stratton	Young
Mapoles	Pope	Tucker	
Mathews	Price	Whitaker	

—38.

A quorum present.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

By leave of the Senate the following messages from the House of Representatives were received and read:

Tallahassee, Florida
February 1, 1963

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Senators Whitaker, Stratton, Carraway, Friday, Edwards, Pearce, Williams (4th), Fraser, Melton, Clarke, Tucker, Mapoles, Boyd, Williams (27th), Connor, Gallo-way, Pope, Hodges, Johnson (6th), Covington, Gibson, Johns, Roberts, Bronson, Parrish, Askew and Price—

Senate Memorial No. 12-X(63)—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES CREATING A COURT OF THE UNION.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

And Senate Memorial No. 12-X(63), contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

Tallahassee, Florida
February 1, 1963

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Senators Whitaker, Stratton, Carraway, Friday, Edwards, Pearce, Melton, Fraser, Williams (4th), Clarke, Mapoles, Boyd, Blank, Williams (27th), Connor, Gallo-way, Pope, Tucker, Hodges, Johnson (6th), Cross, Covington, Ryan, Johnson (19th), Askew, Gibson, Johns, Roberts, Bronson, Parrish, Price, Mathews and McCarty—

Senate Memorial No. 13-X(63)—

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING CONGRESS TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES RELATING TO METHOD OF AMENDING THE FEDERAL CONSTITUTION.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

And Senate Memorial No. 13-X(63), contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

Tallahassee, Florida
February 1, 1963

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Senator Hodges—

Senate Concurrent Resolution No. 14-X(63)—

A CONCURRENT RESOLUTION PROVIDING FOR THE SINE DIE ADJOURNMENT OF THE EXTRAORDINARY SESSION OF THE FLORIDA LEGISLATURE CONVENED JANUARY 29, 1963.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. This extraordinary session of the Florida legislature convened on January 29, 1963, shall adjourn sine die at 7:50 p.m., February 1, 1963.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

And Senate Concurrent Resolution No. 14-X(63), contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

By leave of the Senate the following Reports were received:

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred, with House amendments, for engrossing—

S. B. No. 10-X(63)— A Bill to be entitled An Act providing for the apportionment of the membership of the Legislature of the State of Florida; amending Sections 10.01, 10.03 and adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

—begs leave to report that the amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

ROBT. W. DAVIS
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate

And Senate Bill No. 10-X(63), contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

ENROLLING REPORTS

Your Enrolling Clerk, to whom was referred—

S. B. No. 10-X(63)

—reports same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on February 1, 1963, for his approval.

ROBT. W. DAVIS
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate

Your Enrolling Clerk, to whom was referred—

S. M. No. 12-X(63)

S. M. No. 13-X(63)

S. C. R. No. 14-X(63)

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on February 1, 1963, for his approval.

ROBT. W. DAVIS
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate

Your Enrolling Clerk to whom was referred—

H. J. R. No. 5-X(63)

—reports same has been properly enrolled, signed by the Speaker and Chief Clerk of the House of Representatives, and by the President and Secretary of the Senate, and presented to the Governor on February 1, 1963.

ROBT. W. DAVIS
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate

Pursuant to Senate Concurrent Resolution No. 14-X-(63), the hour of 7:50 o'clock P. M. having arrived, the President sounded the gavel and declared the Senate in 1963 Extraordinary Session adjourned sine die.

EXECUTIVE SESSION ANNOUNCEMENT

By action of the Senate in Executive Session on February 1, 1963, the band of secrecy was removed from the contents of the following Report of the Special Committee appointed by the Senate to inquire into the suspension from office by the Governor of Eugene Licata, Member, Barbers' Sanitary Commission:

REPORT OF COMMITTEE

On the 10th day of October, 1962, the Honorable Farris Bryant, Governor of the State of Florida, suspended Eu-

gene Licata from the office of Member, Barbers' Sanitary Commission. This executive suspension was based upon action taken by the Grand Jury for the State of Florida, inquiring in and for Hillsborough County, whereby four separate indictments were returned, charging Eugene Licata with the felonies of accepting a bribe.

Florida Constitutional law provides that the Governor shall, after suspending a public official, submit the cause of such suspension with a recommendation for disposition to the Florida Senate at its next session. The Senate upon receipt of an executive suspension has three alternatives: 1. they may concur with the Governor's recommendation, thus removing the individual involved from office; 2. they may refuse to concur in the Governor's recommendation; 3. they may fail to take action. Either of the latter two results in the reinstatement of the suspended official.

It appears to this committee that the Governor acted properly in suspending Eugene Licata in view of the indictments by the Grand Jury of Hillsborough County. The Governor further acted properly and in accordance with the law in transmitting this executive suspension to the Florida Senate.

This committee, however, takes note of the fact that Eugene Licata has not come to trial to answer the charges contained in the indictments mentioned above and, therefore, his guilt or innocence has not been established. Since there is no provision in the law whereby the Florida Senate could postpone a decision until Licata's trial takes place, and since a concurrence with the Governor's recommendation would permanently remove Licata from office, it is the committee's recommendation that the Florida Senate take no action on this case until Eugene Licata has been tried on the above mentioned charges, but that a recommendation be made to the Governor that immediately upon the sine die adjournment of the Florida Senate he again suspend Eugene Licata abiding the outcome of his trial.

E. H. PRICE, Jr.
Chairman

JOHN E. MATHEWS, Jr.

Date: February 1, 1963

CERTIFICATE

THIS IS TO CERTIFY that, as Secretary of the Senate of the State of Florida, at the Extraordinary Session of the Legislature of said State, January 29, 1963 to February 1, 1963, both dates inclusive, I have duly performed and completed the duties assigned me.

I FURTHER CERTIFY that, the foregoing pages numbered from 1 to 26, both inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida, in Extraordinary Session, January 29, 1963 to February 1, 1963, both dates inclusive.

In completing my work for the Extraordinary Session, I desire to extend to the Members and to all Officers and Attaches of the Senate my sincere thanks for the many courtesies extended, and the splendid cooperation given me.

ROBT. W. DAVIS
Secretary of the Senate

Tallahassee, Florida
February 1, 1963